

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VISHAL SAXENA, PH.D.,
Plaintiff,

v.

UNIVERSITY OF MASSACHUSETTS
CHAN MEDICAL SCHOOL,
Defendant.

CIVIL ACTION NO. 4:19-CV-40007-TSH

**AFFIDAVIT OF BRIAN M.
CASACELI, ESQ.**

I, Brian M. Casaceli, depose and state as follows:

1. I am counsel of record for the Defendant, University of Massachusetts Chan Medical School (the “Medical School”). I have personal knowledge of the facts contained in this Affidavit.

2. The case was filed with this Court on January 7, 2019. From the filing of the case, through the date of the Court’s Judgment on September 29, 2023, costs were incurred by the Medical School as part of its defense, which costs are detailed on the Bill of Costs, Form AO 133, filed herewith.

3. Each of the items listed on the Bill of Costs is correct and has been necessarily incurred in the case and the services for which costs have been charged were actually and necessarily performed.

4. Attached as **Exhibit A** to this Affidavit are the invoices from the court reporter concerning Plaintiff’s depositions. Please note that, with respect to the invoice dated September 15, 2022, the Medical School is not seeking costs for the “rough draft” of the transcript in the amount of \$384.40. Please further note that, with respect to the invoice dated October 3, 2022, the Medical School is not seeking costs for the “expedite” fee in the amount of \$41.09. Except

for these expenses, the Medical School seeks its remaining costs associated with Plaintiff's depositions.¹

5. Attached as **Exhibit B** to this Affidavit are the invoices from the subpoenas that the Medical School served during the discovery period.

Signed under the pains and penalties of perjury this 11th day of October, 2023.

/s/ Brian M. Casaceli
Brian M. Casaceli

¹ The Medical School seeks the costs associated with the "videoconferencing (Zoom) connection" because Plaintiff indicated that he could not attend an in-person deposition, which is what the Medical School had sought.

EXHIBIT A

INVOICE

1 of 2



Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
T: 508-898-1501 F: 508-207-9347

Invoice No.	Invoice Date	Job No.
108376	9/15/2022	104528
Job Date	Case No.	
9/1/2022	4:19-CV-40007-TSH	
Case Name		
Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.		
Payment Terms		
Net 30, after 30 int. @ 1.5% per month		

Medical/Technical Videoconferenced and/or Videorecorded Transcript/Index of:

Vishal Saxena	291.00	Pages	@	4.450	1,294.95
Rough Draft	248.00	Pages	@	1.550	384.40
eDepoze.	1.00		@	300.000	300.00
Exhibit Processing	86.00	Pages	@	0.350	30.10
Electronic File Formats	1.00		@	35.000	35.00
Transcript Archiving	1.00		@	15.000	15.00
Videoconferencing (Zoom) Connection	1.00		@	175.000	175.00
Less 50% Discount: Videoconference	1.00		@	-87.500	-87.50
TOTAL DUE >>>					\$2,146.95

Client Matter No. : 29475-1

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Tax ID: 04-3106514

Please detach bottom portion and return with payment.

Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926

Invoice No. : 108376
Invoice Date : 9/15/2022
Total Due : \$2,146.95

Remit To: **O'Brien & Levine** **888.825.3376**
68 Commercial Wharf
Boston, MA 02110

Job No. : 104528
BU ID : 1-MAIN
Case No. : 4:19-CV-40007-TSH
Case Name : Vishal Saxena, Ph.D., v. University of
Massachusetts Medical School.

INVOICE

2 of 2



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 Westborough, MA 01581-3926
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Invoice No.	Invoice Date	Job No.
108376	9/15/2022	104528
Job Date	Case No.	
9/1/2022	4:19-CV-40007-TSH	
Case Name		
Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.		
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Net 30, after 30 int. @ 1.5% per month		

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 Westborough, MA 01581-3926

Invoice No. : 108376
 Invoice Date : 9/15/2022
Total Due : \$2,146.95

Remit To: **O'Brien & Levine** **888.825.3376**
68 Commercial Wharf
Boston, MA 02110

Job No. : 104528
 BU ID : 1-MAIN
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 Massachusetts Medical School.

INVOICE

1 of 1



Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
T: 508-898-1501 F: 508-207-9347

Invoice No.	Invoice Date	Job No.
108627	10/3/2022	105167
Job Date	Case No.	
10/3/2022	4:19-CV-40007-TSH	
Case Name		
Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.		
Payment Terms		
Net 30, after 30 int. @ 1.5% per month		

Videoconferenced and/or Videorecorded Transcript/Index of:
Vishal Saxena, M.D.

Transcript Minimum	1.00	@	250.000	250.00
Expedite	1.00	@	41.090	41.09
Electronic File Formats	1.00	@	35.000	35.00
Transcript Archiving	1.00	@	15.000	15.00
Videoconferencing (Zoom) Connection	1.00	@	175.000	175.00
Less 50% Discount: Videoconference	1.00	@	-87.500	-87.50

TOTAL DUE >>>**\$428.59**

Client Matter No. : 29475-1

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TAX ID: 04-3106514

Tax ID: 04-3106514

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Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926

Invoice No. : 108627
Invoice Date : 10/3/2022
Total Due : \$428.59

Remit To: **O'Brien & Levine** **888.825.3376**
68 Commercial Wharf
Boston, MA 02110

Job No. : 105167
BU ID : 1-MAIN
Case No. : 4:19-CV-40007-TSH
Case Name : Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.

INVOICE

1 of 1



Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
T: 508-898-1501 F: 508-207-9347

Invoice No.	Invoice Date	Job No.
108945	10/26/2022	105363
Job Date	Case No.	
10/14/2022	4:19-CV-40007-TSH	
Case Name		
Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.		
Payment Terms		
Net 30, after 30 int. @ 1.5% per month		

Videoconferenced and/or Videorecorded Transcript/Index of:

Vishal Saxena, Ph.D. - Day 2	188.00	Pages	@	4.150	780.20
eDepoze.	1.00		@	300.000	300.00
Exhibit Processing	54.00	Pages	@	0.350	18.90
Electronic File Formats	1.00		@	35.000	35.00
Transcript Archiving	1.00		@	15.000	15.00
Videoconferencing (Zoom) Connection	1.00		@	175.000	175.00
Less 50% Discount: Videoconference	1.00		@	-87.500	-87.50

TOTAL DUE >>> \$1,236.60

Client Matter No. : 29475-1

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TAX ID: 04-3106514

Tax ID: 04-3106514*Please detach bottom portion and return with payment.*

Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926

Invoice No. : 108945
Invoice Date : 10/26/2022
Total Due : \$1,236.60

Remit To: **O'Brien & Levine** **888.825.3376**
68 Commercial Wharf
Boston, MA 02110

Job No. : 105363
BU ID : 1-MAIN
Case No. : 4:19-CV-40007-TSH
Case Name : Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.

INVOICE

1 of 1



Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
T: 508-898-1501 F: 508-207-9347

Invoice No.	Invoice Date	Job No.
109386	11/28/2022	105612
Job Date	Case No.	
11/3/2022	4:19-CV-40007-TSH	
Case Name		
Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.		
Payment Terms		
Net 30, after 30 int. @ 1.5% per month		

Videoconferenced and/or Videorecorded Transcript/Index of:

Vishal Saxena, Ph.D. - Day 3	251.00	Pages	@	4.150	1,041.65
eDepoze.	1.00		@	300.000	300.00
Exhibit Processing	147.00	Pages	@	0.350	51.45
Electronic File Formats	1.00		@	35.000	35.00
Transcript Archiving	1.00		@	15.000	15.00
Videoconferencing (Zoom) Connection	1.00		@	175.000	175.00
Less 50% Discount: Videoconference	1.00		@	-87.500	-87.50

TOTAL DUE >>> \$1,530.60

Client Matter No. : 29475-1

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TAX ID: 04-3106514

Tax ID: 04-3106514

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Brian Casaceli
Mirick O'Connell-Westborough
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926

Invoice No. : 109386
Invoice Date : 11/28/2022
Total Due : \$1,530.60

Remit To: **O'Brien & Levine** **888.825.3376**
68 Commercial Wharf
Boston, MA 02110

Job No. : 105612
BU ID : 1-MAIN
Case No. : 4:19-CV-40007-TSH
Case Name : Vishal Saxena, Ph.D., v. University of Massachusetts Medical School.

EXHIBIT B

Francis J. Trapasso & Associates

Invoice

Date	Invoice #
1/14/2021	189351

Mirick O'Connell
 Brian M. Casaceli
 1800 West Park Drive, Suite 400
 Westborough, MA 01581

To wit: Witness/Defendant Served				
Registrar's Office Boston University School of Medicine 125 Bay State Rd Boston, MA 02118				
Case Number	Date Served	Time	Court Date	How Served
4:19-CV40007	1/14/2021	11.30AM	2/1/2021	In Hand
Job Information			Type of Service	Amount
Vishal Saxena v. University of Massachusetts Medical School with Noreen Trahon, Finance and Administration Manager Note address served is the Office of General Counsel Original Address Provided: Registrar's Office Boston University School of Medicine 72 East Concord St Boston, MA 02118			Federal Subpoena	95.00
			Payments/Credits	\$95.00
				\$0.00
Thank you, please reference your invoice number when remitting payment.			Balance Due	\$95.00

**Francis J. Trapasso & Associates**

84 Park Ave.
Worcester, MA 01609

Invoice

Date	Invoice #
11/8/2021	200221

Mirick O'Connell
Brian M. Casaceli
1800 West Park Drive, Suite 400
Westborough, MA 01581

To wit: Witness/Defendant Served

WeiHong Zheng, MD
Allergy & Asthma Center of Boston
20 Park Plaza Suite 804
Boston, MA 02116

Case Number	Date Served	Time	Court Date	How Served
4:19-CV-40007	11/8/2021	12.07PM	11/19/2021	In Hand
Job Information			Type of Service	Amount
Visha Saxena v. University of Massachusetts Medical School			Federal Subpoena	86.00
			Total	\$86.00
			Payments/Credits	\$0.00
Thank you, please reference your invoice number when remitting payment.			Balance Due	\$86.00

508.798.0287

**Francis J. Trapasso & Associates**

84 Park Ave.
Worcester, MA 01609

Invoice

Date	Invoice #
11/3/2021	200222

Mirick O'Connell
Brian M. Casaceli
1800 West Park Drive, Suite 400
Westborough, MA 01581

To wit: Witness/Defendant Served

Scott D. Harris, MD
Fenway Health
142 Berkeley Street
Boston, MA 02116

Case Number	Date Served	Time	Court Date	How Served
4:19-CV-40007	11/3/2021	11.08AM	11/19/2021	In Hand
Job Information			Type of Service	Amount
Vishal Saxena v. University of Massachusetts Medical School			Federal Subpoena	85.00
			Total	\$85.00
			Payments/Credits	\$0.00
Thank you, please reference your invoice number when remitting payment.			Balance Due	\$85.00

508.798.0287



Francis J. Trapasso & Associates

84 Park Ave.
Worcester, MA 01609

Invoice

Date	Invoice #
6/3/2022	208086

Mirick O'Connell
Brian M. Casaceli
1800 West Park Drive, Suite 400
Westborough, MA 01581

To wit: Witness/Defendant Served

Mark J. Forgues Jr OD
Forgues Eyecare
152 Russell Street
Worcester, MA

Case Number	Date Served	Time	Court Date	How Served
4:19-CV-40007	6/3/2022	2.34PM	6/16/2022	At Last & Usual
Job Information			Type of Service	Amount
Vishal Saxena v. University of Massachusetts Medical School dmagliano@mirickoconnell.com Note office was closed at time of service.			Federal Subpoena	66.00
			Total	\$66.00
			Payments/Credits	\$0.00
Thank you, please reference your invoice number when remitting payment.			Balance Due	\$66.00

508.798.0287



Francis J. Trapasso & Associates

84 Park Ave.
Worcester, MA 01609

Invoice

Date	Invoice #
6/6/2022	208087

Mirick O'Connell
Brian M. Casaceli
1800 West Park Drive, Suite 400
Westborough, MA 01581

To wit: Witness/Defendant Served				
Attn: Medical Records Southcoast Health St. Luke's Hospital 200 Mill Rd Fairhaven, MA				
Case Number	Date Served	Time	Court Date	How Served
4:19-CV-40007	6/6/2022	1.05PM	6/16/2022	In Hand
Job Information			Type of Service	Amount
Vishal Saxena v. University of Massachusetts Medical School dmagliano@mirickoconnell.com with Mrs. Prister, Records Clerk Note address Served Original Address Provided: Attn: Medical Records Southcoast Health St. Luke's Hospital 151 Page Street New Bedford, MA			Federal Subpoena	86.00
			2nd Address	36.00
			Total	\$122.00
			Payments/Credits	\$0.00
Thank you, please reference your invoice number when remitting payment.			Balance Due	\$122.00

508.798.0287

**Francis J. Trapasso & Associates**

84 Park Ave.
Worcester, MA 01609

Invoice

Date	Invoice #
8/2/2022	210645

Mirick O'Connell
Brian M. Casaceli
1800 West Park Drive, Suite 400
Westborough, MA 01581

To wit: Witness/Defendant Served

Attn: Medical Records
Westborough Family Medicine
24 Lyman Street
Westborough, MA

Case Number	Date Served	Time	Court Date	How Served
4:19-CV-40007	8/2/2022	3.34PM	8/12/2022	In Hand
Job Information			Type of Service	Amount
Vishal Saxena v. University of Massachusetts Medial School with Anastasia Freisas, Employee bcasaceli@mirickoconnell.com			Federal Subpoena	75.00
			Total	\$75.00
			Payments/Credits	\$0.00
Thank you, please reference your invoice number when remitting payment.			Balance Due	\$75.00

508.798.0287